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6
7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10 UNITED STATES OF AMERICA,

Case No.: CR 09-00717 JF

11 Plaintiff,

**STIPULATION TO CONTINUE
HEARING AND EXCLUDE TIME;
12 ~~[PROPOSED]~~ ORDER**

13 v.

14 MARCO BARBOSA; MARIA BARBOSA,

Honorable Jeremy Fogel

15 Defendants.
16 _____/

17
18 Defendants Marco and Maria Barbosa and the government, through their respective counsel,
19 hereby stipulate that, subject to the Court's approval, the hearing in the above-captioned matter,
20 presently scheduled for Thursday, July 29, 2010 at 9:00 a.m., be continued to Thursday, August 26,
21 2010, at 9:00 a.m. The continuance is requested in order to allow defense counsel further time to
22 conduct investigation and engage in settlement discussions. The parties have discussed potential
23 terms of settlement, and must resolve issues pertaining to the potential settlement.

24 The parties further agree that time should be excluded under the Speedy Trial Act because the
25 ends of justice served by granting the requested continuance outweigh the interest of the public and
26

the defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The parties therefore stipulate that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

Dated: 7/27/10

/s/
LARA S. VINNARD
Counsel for Marco Barbosa

Dated: 7/27/10

/s/
PETER LEEMING
Counsel for Maria Barbosa

Dated: 7/27/10

/s/
EUMI CHOI
Assistant United States Attorney

[PROPOSED] ORDER

The parties have jointly requested a continuance of the hearing set for Thursday, July 29, 2010, to allow additional time for defense preparation and investigation and settlement discussions. GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently set for Thursday, July 29, 2010 at 9:00 a.m., be continued to Thursday, August 26, 2010, at 9:00 a.m.

Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded under the Speedy Trial Act from July 29, 2010, to August 26, 2010. The Court finds, based on the aforementioned reasons, that the ends of justice served by granting the requested continuance outweigh the interest of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

Dated: 7/28/10


JEREMY FOGEL
United States District Judge